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4 **UNITED STATES DISTRICT COURT**

5 **DISTRICT OF NEVADA**

6 BURLINGTON INSURANCE CO.,

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7 Plaintiff,

)

8 vs.

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9 GREATER PERSHING PARTNERSHIP et al.,

)

10 ) **ORDER**

11 Defendants.

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12 This case arises out of injuries sustained by non-parties from a falling tree branch and the  
13 question of an insurance company's duty to defend or indemnify five Defendants in the resulting  
14 state court tort action. The Court has granted a motion for offensive summary judgment against  
15 all Defendants, as well as Plaintiff's motion for default judgment against Defendant Greater  
16 Pershing Partnership. The Court also granted Plaintiff's motion to amend the judgment to  
17 include a declaration that it owed no duty to defend or indemnify certain alleged insureds in the  
18 underlying state court suit. Plaintiff has now asked the Court to further amend the judgment to  
19 state that it had no duty to defend or indemnify Greater Pershing Partnership, as well. The Court  
20 grants the motion.

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2:10-cv-01623-RCJ-GWF

## CONCLUSION

IT IS HEREBY ORDERED that the Motion to Correct Judgment (ECF No. 38) is GRANTED.

IT IS FURTHER ORDERED that the Clerk shall amend the Judgment to include the following language:

1. Pershing County, Roger Mancebo, Dave Ayoob, and Darin Bloyd are not insureds under the written insurance contract between The Burlington Insurance Company and Greater Pershing Partnership, number 011B005866, effective December 1, 2007 to December 1, 2008.

2. The Burlington Insurance Company never had, and does not now have, any duty to defend Pershing County, Roger Mancebo, Dave Ayoob, Darin Bloyd, and/or Greater Pershing Partnership in the action entitled *Virginia Rose and Kirsten Hertz v. Pershing County et. al.* in the Sixth Judicial District Court of the State of Nevada for Pershing County, Case No. CV09-10800.

3. The Burlington Insurance Company does not have, and never will have, any duty to indemnify Pershing County, Roger Mancebo, Dave Ayoob, Darin Bloyd, and/or Greater Pershing Partnership in connection with the action entitled *Virginia Rose and Kirsten Hertz v. Pershing County et. al.* in the Sixth Judicial District Court of the State of Nevada for Pershing County, Case No. CV09-10800.

IT IS FURTHER ORDERED that the hearing set for ECF No. 38 on June 21, 2012 is VACATED.

IT IS SO ORDERED.

DATED: This 11th day of May, 2012.

ROBERT C. JONES  
United States District Judge